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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,208	08/13/2007	Thomas Muller	042933/311307	3999

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EXAMINER
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BIBBEE, CHAYCE R

ART UNIT	PAPER NUMBER
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2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,208	<b>Applicant(s)</b> MULLER, THOMAS	
	<b>Examiner</b> CHAYCE BIBBEE	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/13/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 08/13/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
2. Claims 1-20 are presented for examination.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18, 19, and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 18 and 19 recite the language "Computer program product for executing a method allowing of fast constitution of a communication connection providing for device interoperability, comprising program code". Computer programs are not tied to any new and useful process, machine, manufacture, or composition of matter, and therefore are not statutory subject matter. Claim 20 recites the language "Computer data signal embodied in a carrier wave". Carrier waves and signals are also not tied to any new and useful process, machine, manufacture, or composition of matter, and therefore are not statutory subject matter.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 7-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dettinger et al (pub # 20030143954).

Consider claims 1, 11, and 12. Dettinger teaches Mobile device allowing a fast constitution of a communication connection providing for device interoperability, comprising at least one wireless communication interface and identification means, wherein said wireless communication interface is adapted to provide a wireless communication with another mobile device, wherein said identification means is adapted to obtain configuration information from said other mobile device being arranged to provide said configuration information; **(See at least paragraphs [0032] and [0033]).**

wherein said configuration information is adapted to provide a communication connection with said other mobile device via said wireless communication interface and a hand over of at least partial control over said mobile device to said other mobile device or vice versa. **(See at least paragraphs [0032] and [0033]).**

Consider claim 2. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches wherein said at least partial control corresponds to a selective control corresponding to functionality of at least one of said mobile device and said other mobile device. **(See at least paragraph [0032]).**

Consider claim 3. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches wherein said control relates to at least one of a group of controls comprising control over operations of said devices, control over one or more interfaces of said devices comprising user interfaces and control over one or more applications of said devices. **(See at least paragraphs [0032] and [0033]).**

Consider claim 7. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches Mobile device according to claim 1, wherein said wireless communication interface is one out of a group of interfaces including a low power radio frequency interface, an infrared-based communication interface and a cellular interface. **(See at least paragraphs [0032] and [0033]).**

Consider claim 8. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches Mobile device according to claim 7, wherein said low power radio frequency interface is one out of a group of interfaces including a Bluetooth interface

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and a wireless local area network interface. **(See at least paragraph [0031]).**

Consider claim 9. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches wherein at least one of said mobile device and said other mobile device is another radio terminal device. **(See at least paragraph [0032]).**

Consider claim 10. Dettinger teaches all of the recited limitations of claim 1. Dettinger further teaches Mobile device according to claim 1, wherein at least one of said mobile device and said other mobile device is a core device of a multipart radio terminal device arrangement and said other one is a peripheral device of said multipart radio terminal device arrangement. **(See at least paragraphs [0032] and [0033]).**

Consider claim 13. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches said handing over said at least partial control corresponds to a handing over of selective control, wherein said selectivity depends on functionality of at least one of said mobile device and said other mobile device. **(See at least paragraphs [0032] and [0033]).**

Consider claim 14. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches checking on the basis of said configuration information whether said other mobile device is trustworthy. **(See at least paragraph [0035]).**

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Consider claim 15. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches transferring said control in accordance with said configuration information. **(See at least paragraphs [0032] and [0033]).**

Consider claim 16. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches disestablishing a previously constituted communication connection to a third mobile device; and transferring control previously exercised by said third mobile device over said mobile device to said other mobile device. **(See at least paragraphs [0032] and [0033]).**

Consider claim 17. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches wherein said mobile device comprises at least one wireless communication interface and identification means, wherein said wireless communication interface is adapted to provide a wireless communication with said other mobile device wherein said identification means is adapted to obtain said configuration information from said other mobile device and wherein said configuration information is adapted to provide a communication connection with said other mobile device via said wireless communication interface and a hand over of at least partial control over said mobile device to said other mobile device or vice versa. **(See at least paragraphs [0032] and [0033]).**

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Consider claim 18. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches Computer program product for executing a method allowing of fast constitution of a communication connection providing for device interoperability, comprising program code sections for carrying out the steps of claim 12, when said program is run on a computer, a terminal, a network device, a mobile terminal or a mobile communication enabled terminal. **(See paragraph [0041]).**

Consider claim 19. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches Computer program product for executing a method allowing of fast constitution of a communication connection providing for device interoperability, comprising program code sections stored on a machine-readable medium for carrying out the steps of claim 12, when said program product is run on a computer, a terminal, a network device, a mobile terminal, or a mobile communication enabled terminal. **(See paragraph [0041]).**

Consider claim 20. Dettinger teaches all of the recited limitations of claim 12. Dettinger further teaches Computer data signal embodied in a carrier wave and representing instructions, which when executed by a processor cause the steps of claim 12 to be carried out. **(See paragraph [0041]).**



***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dettinger et al (pub # 20030143954) in view of Forstadius et al (pub # 20020154607).

Consider claim 4. Dettinger teaches all of the recited limitations of claim 1. Dettinger does not specifically disclose identification means comprise radio frequency identification (RFID) means, preferably one out of a group including a radio frequency identification reader and a radio frequency identification transponder. However Forstadius et al in at least paragraph [0025] does disclose RFID. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the RFID reader of Forstadius et al with the system of Dettinger et al in order to provide a system that is cost efficient and which can easily be implemented.

(Forstadius paragraph [0005]).

Consider claim 5. Dettinger teaches all of the recited limitations of claim 1. Dettinger does not specifically disclose wherein said other mobile device implements an identification means operable with said identification means of said mobile device, wherein said identification means comprise preferably radio frequency identification (RFID) means, more preferably one out of said group including a radio frequency identification transponder, a radio frequency identification transponder reader and a radio frequency identification transponder reader capable for writing. However Forstadius et al in at least paragraph [0025] does disclose RFID. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the RFID reader of Forstadius et al with the system of Dettinger et al in order to provide a system that is cost efficient and which can easily be implemented. (Forstadius paragraph [0005]).

Consider claim 6. Dettinger teaches all of the recited limitations of claim 1. Dettinger does not specifically disclose Mobile device according to claim 1, wherein said configuration information comprises at least one out of a group of configuration information including: communication interface configuration information; device type; device identifier; and personal identifier. However Forstadius et al in at least paragraph

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[0009] does disclose that each of the transceivers having a unique identifier. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the identifier of Forstadius et al with the system of Dettinger et al in order to provide a system that is cost efficient and which can easily be implemented.

(Forstadius paragraph [0005]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAYCE BIBBEE whose telephone number is (571)270-7222. The examiner can normally be reached on Monday-Friday 7:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

CHAYCE BIBBEE  
Examiner  
Art Unit 2617